

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:
MARIO LEON, et al.,	:
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Plaintiffs,	:
	:
- against -	:
	:
AYG FRAMING CONSTRUCTION LLC, et	:
al.,	:
	:
Defendants.	:
	:
-----X	

21-CV-8014 (VSB) (SDA)

**OPINION & ORDER**

Appearances:

Jacob Aronauer  
The Law Offices of Jacob Aronauer  
New York, New York  
*Counsel for Plaintiffs*

VERNON S. BRODERICK, United States District Judge:

On September 27, 2021, Plaintiffs Mario Leon, Rigoberto Naula, Robinson Stalin Ulgo, Segundo Ricardo Hulgo, Segundo Santiago Calapiña, Jheferson Guaman, and Segundo Manuel Ulgo (together, “Plaintiffs”) filed the complaint (“Complaint”) in this action. (Doc. 1.) On October 7, 2021, Plaintiffs filed an affidavit of service of the Complaint upon Defendant AYG Framing Construction LLC. (Doc. 11.) On December 1, 2021, after Defendant AYG Framing Construction LLC failed to appear or respond to the Complaint, Plaintiffs secured a Clerk’s Certificate of Default as to Defendant AYG Framing Construction LLC. (Doc. 19.) On January 26, 2022, Plaintiffs filed an affidavit of service as to Defendant Adriano E. Moreira, showing that service of the Complaint was completed on October 11, 2021, (Doc. 21), and secured a Clerk’s Certificate of Default as to Defendant Adriano E. Moreira, (Doc. 24). On March 24, 2022, I entered a default judgment against Defendants AYG Framing Construction LLC and

Adriano E. Moreira (together, “Defendants”) and, the next day, referred the action to Magistrate Judge Stewart D. Aaron for an inquest on damages. (Docs. 42–43.)

On May 3, 2022, Plaintiffs filed their memorandum of law and supporting documents for an inquest on damages. (Docs. 49–58.) On June 27, July 25, and August 18, 2022, Plaintiffs filed three revised damages calculations. (Docs. 65-1, 69-1, 71-1.) On August 21, 2022, Magistrate Judge Aaron issued his Report and Recommendation, recommending that the Court enter judgment in favor of each of Plaintiffs Mario Leon, Rigoberto Naula, Robinson Stalin Ulgo, Segundo Ricardo Hulgo, Segundo Santiago Calapiña, Jheferson Guaman, and Segundo Manuel Ulgo against Defendants, jointly and severally, in the amount of \$16,870.00 (consisting of \$3,435.00 in unpaid earned wages and overtime wages; \$3,435.00 in liquidated damages; and \$10,000.00 for wage notice and statement violations), for a total sum of \$118,090.00, as requested in Plaintiffs’ revised damages calculation. (Doc. 73.) Magistrate Judge Aaron further recommended that Plaintiffs be awarded \$8,606.40 in attorneys’ fees and costs. (*Id.*) Neither Plaintiffs nor Defendants have filed an objection to the Report and Recommendation or requested additional time to respond.

In reviewing a magistrate judge’s report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within 14 days of being served with a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). When a party submits a timely objection, a district court reviews de novo the parts of the report and recommendation to which the party objected. 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). When neither party submits an objection to a report and recommendation, or any portion thereof, a district court reviews the report and

recommendation for clear error. *Santana v. Comm’r of Soc. Sec.*, No. 17-CV-2648 (VSB) (BCM), 2019 WL 2326214, at \*1 (S.D.N.Y. May 30, 2019); *Marte v. Berryhill*, No. 17-CV-3567 (VSB) (JLC), 2018 WL 5255170, at \*1 (S.D.N.Y. Oct. 22, 2018); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

Here, although the Report and Recommendation explicitly provided that the parties “shall have fourteen (14) days (including weekends and holidays) from service of [the] Report and Recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure,” (Doc. 73, at 13), and that “the failure to object within fourteen (14) days will result in a waiver of objections and will preclude appellate review,” (*id.*), neither party filed an objection or sought additional time to file an objection. I therefore reviewed Magistrate Judge Aaron’s thorough and well-reasoned Report and Recommendation for clear error and, after careful review, found none.

Accordingly, I ADOPT the Report and Recommendation in its entirety. Judgment should be entered in favor of each of Plaintiffs Mario Leon, Rigoberto Naula, Robinson Stalin Ulgo, Segundo Ricardo Hulgo, Segundo Santiago Calapiña, Jheferson Guaman, and Segundo Manuel Ulgo against Defendants AYG Framing Construction LLC and Adriano E. Moreira, jointly and severally, in the amount of \$16,870.00 (consisting of \$3,435.00 in unpaid earned wages and overtime wages; \$3,435.00 in liquidated damages; and \$10,000.00 for wage notice and statement violations), for a total sum of \$118,090.00, and Plaintiffs should be awarded \$8,606.40 in attorneys’ fees and costs.

The Clerk's Office is respectfully directed to terminate any open motions, to enter judgment in accordance with this Order, and to close this case.

SO ORDERED.

Dated: September 13, 2022  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive style with a large, stylized "V" and "B".

Vernon S. Broderick  
United States District Judge